

CRAIG ORENT, E.S.Q.

State Bar #015512

ORENT LAW OFFICES, PLC

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Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DRITAN DEDA,

Defendant.

Case No: CR20-00336-TUC-DCB

**DEFENDANT'S OBJECTION TO
PRESENTENCE REPORT**

Defendant, Dritan Deda, through undersigned counsel, respectfully submits the following objection to the draft presentence report.

I. OBJECTION TO PARAGRAPHS 24, 26, & 27:

A. DEFENSE POSITION

Summarily, the objection is that the conviction and sentence from ¶ 24 should not result in three Criminal History ("CH") points because the sentence was imposed and finished more than 15 years before the commission of the underlying offense. As a result, the CH points should be 9 instead of 12, and the CH category should be IV (24-30 mos.) instead of V (30-37 mos.).

According to Application Note to §4A1.1(a), three points are added to the CH Cat. calculation for each prior sentence that exceeds one year and one month. But to apply, that sentence must have been imposed within 15 years before the commencement of the underlying offense; alternatively, "the defendant's incarceration [for that case must have] extended into the fifteen-year period." *Id.* (emphasis added). *See also* §4A1.2(e)(1) ("Also count any prior sentence of imprisonment exceeding one year and one month, whenever imposed, that resulted in the defendant being incarcerated during any part of such fifteen-year period." (emphasis added)).

In addition, the application note to §4A1.2 (App. Note 2) states, “[f]or purposes of applying §4A1.1(a), (b), or (c), [meaning for calculating solely if the sentence warrants 1, 2, or 3 points] the length of a sentence of imprisonment is the stated maximum (e.g., [i]n the case of an indeterminate sentence of one to five years, the stated maximum is five years. . .) . . . That is, *criminal history points* [as distinguished from whether the sentence, outside of 15 years, extended into the 15-year window] are based on the sentence pronounced, not the length of time actually served.” (emphasis added).

The sentence in ¶ 24 was imposed on 12/11/2002 and was an indeterminate sentence of 13 mos. to 10 years in prison (“BOP”). Thus, at the outset, for purposes of §4A1.1(a) (adding three points), the maximum sentence was 10 years, and would preliminarily qualify for adding three CH points because the “imposed” sentence was 10 years and exceeds “one year and one month.”

However, the sentence was imposed more than 15 years before the commencement of the underlying crime (imposed on 12/11/2002; start date of underlying crime was December 30, 2019, with the 15-year cutoff being 12/9/2004). Therefore, the prior sentence could qualify for 3 points only if Mr. Deda was “incarcerated” (*see supra.*) because of this sentence beyond 12/9/2004. Given a commonsense, reasonable assessment and analyses of the existing, known record, Mr. Deda suggests he was not “incarcerated” for the particular case referenced in ¶24 beyond 12/9/2004, the 15-year endpoint.

The sentence in ¶ 25 was imposed on 3/13/2003 (3 months, 2 days after imposition of the sentence in ¶ 24) and was 23 to 48 mos. to run consecutive to the sentence in ¶ 24. *See* ¶25 & **Ex. A.** Because the two sentences were to run consecutive, and the minimum sentence to be served under ¶ 24 was 13 months (which would have ended on 1/11/2004 – before the start of the 15-year cutoff of 12/9/2004), there is no evidence in the record or other showing that Mr. Deda was “incarcerated” because of ¶ 24 beyond and into the 15-year timeframe. In fact, it appears from the records that he served less than 13 mos. before the ¶ 25 sentence began.

The plea agreement from ¶ 24 expressly states, “Sentencing Agreement to no more than 13 (thirteen months) to run concurrently with each other on each count.” **Ex. B.** And the sentencing abstract typed notes similarly say, “Pros recommend 13 month cap on min. Ct accepts plea.” **Ex. C.**

1 Additionally, Mr. Deda received 252 days of credit for time served against that sentence, meaning he
2 had just 138 days (or approximately four months, 18 days) to serve before the second (consecutive)
3 sentence began.

4 After combining the minimum 23 months sentence from ¶ 25 with the minimum sentence of
5 13 months (minus credit for time served), the approximate release date would coincide with the
6 actual release date listed in both paragraphs: 2/22/05. This observation further supports the
7 conclusion that the sentence from the first case (¶24) had concluded before the 15-year marker or
8 starting point.

9 For further clarification, the end of the remaining sentence of 4 mos., 18 days (after the credit
10 reduction) from the date of sentencing in the first case was April 29, 2003, which means that as of
11 the sentencing date in the second case (on 3/13/2003), Mr. Deda had just 47 days to serve before the
12 next sentence began (on 4/29/2003). Mr. Deda was released from Michigan prison to ICE on
13 2/22/2005, just under approximately 22 months (he had 23 months to serve on his second sentence).

14 Consequently, the evidence reflects that Mr. Deda's incarcerations (from ¶ 24) of 13 months
15 (minus the CTS) was completed before the 15-year mark. And, because he was not "incarcerated
16 during any part of such fifteen-year period," that sentence cannot be counted or receive any CH
17 points.

18 **B. POTENTIAL CONTRARY POSITION**

19 Upon notifying the assigned prosecutor, and through her, the PSR writer ("PO"), the PO
20 responded that he would modify – or update – the draft-PSR, in part because the case referenced in
21 ¶24 was so old that there were no elucidating records. However, the PO later reported that his
22 supervisor contacted someone (Sharleen Buck) at the Michigan Department of Corrections
23 ("MDOC"), and as a result, there would be no modification.

24 As a result, undersigned communicated with Ms. Buck by email and later by telephone,
25 seeking an explanation and clarification. Ms. Buck confirmed that Mr. Deda's file no longer exists
26 and that there is no digital record because of a change in computer systems. However, Ms. Buck
27 indicated she had sufficient data to opine that Mr. Deda was incarcerated on all of his cases –
28 including the one from ¶24 – up until his release to ICE on 2/22/2005 (into the 15-year window).

1 Respectfully, this opinion seems to fly in the face of and to be incompatible with a practical
2 review of and deduction from the documentary record, as we know it. Consequently, Mr. Deda and
3 defense counsel maintain the stated objection.

4 **II. CLOSING**

5 Therefore, Mr. Deda, through undersigned counsel, objects to ¶¶ 24, 26, & 27 and suggests
6 the applicable CH should be IV (24-30 mos.) instead of V (30-37 mos.).

7 Respectfully submitted on August 31, 2020

8 /s/ **Craig Orent**

9 Craig Orent, Esq.
10 Attorney for Defendant

11 **CERTIFICATE OF SERVICE**

12 I certify that on August 31, 2020, I electronically transmitted the attached document to the Clerk's Office using the ECF
13 System for filing and transmittal to the following ECF registrants:

14 Heather Nicole Siegel, Esq.
15 Assistant United States Attorney

16 Eric G. Nuñez
17 U.S. Probation Officer

ATTACHMENT A

Attys;P-Mccririe/D-Niskar; CRT
Mdoc-min 23 mos, max 48 mos; CRT
Consecutive w/02-12867-fh & CRT
concurrent w/ea other & St. CRT
Clair county case 02-2828; CRT
drb CRT

SENTENCE PRISON: MINIMUM MAXIMUM CREDIT
CONSECUTIVE YYY- 23-DDD YYY- 48-DDD YYY-MMM-DDD
BEGIN 03/13/03

\$60.00 CRIME VICTIM RIGHTS 60.00 DNA SPECIMEN FEE
61 00002 SENTENCING CRT WCC
Mdoc-min 23 mos, max 48 mos; CRT

SENTENCE PRISON: MINIMUM MAXIMUM CREDIT
CONSECUTIVE YYY- 23-DDD YYY- 48-DDD YYY-MMM-DDD
BEGIN 03/13/03

62 NOTICE OF APPEAL OF RIGHTS CLK WCC
63 Remand to county jail CLK WCC
64 03/17/03 FINAL ORDER OR JUDGMENT FILED CLK DRB
/COMMIT TO MDOC CLK
65 06/14/10 Removed COLLECT status - PRIS CLK LLP
66 09/14/11 Letter Sent - Overdue Payment CLK TMK
67 Stmt Nbr - 1 Text - 101 CLK TMK
68 Tot Due on Stmt - \$120.00 CLK TMK
69 09/28/12 FILE SENT TO MICROFILM CLK KO
70 11/21/12 FILE RETURNED FROM MICROFILM CLK KO
71 11/13/13 Letter Sent-2-102-\$120.00 CLK LLP
72 11/21/13 PREV. 879 CENTURY DR. #1005 CLK RR
ADDR. TROY MI 48083 CLK
SOURCE: ACCURINT CLK
73 Letter Sent - 101 - \$120.00 CLK RR
74 01/28/14 Stop Send Overdue Pymt Notice CLK RR
75 07/15/14 Start Send Overdue Pymt Notice CLK RR
76 PREV. 31626 SCHOENHERR ROAD, A CLK RR
ADDR. WARREN MI 48088 CLK
SOURCE: ACCURINT CLK
77 Letter Sent - 103 - \$120.00 CLK RR
78 04/13/18 MONEY ORDERED CRT ***
AUTOMATIC LATE FEE ASSESSMENT CRT

\$24.00 20% LATE PENALTY FEE
79 06/01/18 Extracted to a Collect Agency CLK KLC
80 02/13/20 COLLECT stmt level RESET 900-0 CLK RR
81 02/20/20 Letter Sent-1-101-\$144.00 CLK RR

..... END OF SUMMARY

Original-Court

1st copy-Corrections

2nd copy-Corrections (for return)

MAR 14 2003

3rd copy-State Police

4th copy-Defendant

5th copy-Prosecutor

Approved, SCAO

STATE OF MICHIGAN
44TH JUDICIAL CIRCUIT COURTJUDGMENT OF SENTENCE
COMMITMENT TO
DEPARTMENT OF CORRECTIONSCASE NO.
02-013203-FH-BORI 470015J
COURT ADDRESS
JUDICIAL CENTER

Police Report No.

HOWELL

MI 48843

PAGE 1
COURT TELEPHONE NO.
(517) 546-9816

THE PEOPLE OF STATE OF MICHIGAN

V

Defendant
DEDA, DRITAN,
879 CENTURY DR. #1005
TROY MI 48083
CTN/TCN: 470200313701
SID: DOB: 8/22/78Prosecuting attorney name
MORSE, DAVID L.,Bar no.
33093Defendant attorney name
NISKAR, JOSEPH A.,Bar no.
55538

THE COURT FINDS:

1. The defendant was found guilty on 2/13/03 of the crime(s) stated below:

*Plea: use (G) for guilty plea; (NC) for nolo contendere; (MI) for guilty but mentally ill.

*Use (X) if sentence is to be enhanced because of Habitual Offender Act.

CT	PLEA	COURT	JURY	CONVICTED BY	CRIME	CHARGE CODE(S)	MCL CITATION/PACC CODE
1	---	---	X	ESCAPE AWAIT TRIAL-FELONY	750.1972		
2	---	---	X	ESCAPE AWAIT TRIAL-FELONY	750.1972	CONSPIRE	

2. The conviction is reportable to the Secretary of State under MCL 257.625(20)(b). The defendant's driver license number is:

3. HIV testing and sex offender registration is completed.

4. The defendant has been fingerprinted according to MCL 28.243.

IT IS ORDERED:

5. Defendant is sentenced to custody of Michigan Department of Corrections.

This sentence shall be executed immediately.

CT	SENTENCE DATE	MINIMUM YR-MO-DY	MAXIMUM YR-MO	DATE SENTENCE BEGINS	JAIL CREDIT MO-DY	OTHER INFORMATION
1	3/13/03	000-023-000	000-048	3/13/03		
2	3/13/03	000-023-000	000-048	3/13/03		

☒ 6. Sentence(s) to be served consecutively to: (if this item is not checked, the sentence is concurrent)

☒ each other. ☒ case numbers W/FILE 02-12867-FH

7. Defendant shall pay:

<input type="checkbox"/>	\$.00	for restitution.
<input checked="" type="checkbox"/>	\$60.00	for DNA sample.
<input checked="" type="checkbox"/>	\$60.00	for Crime Victim Rights Fund.
<input type="checkbox"/>	\$.00	for forensic lab test.

8. The concealed weapon board shall suspend for ____ days

03 MAR 17 AM 11:56
FILED
CLERK

ATTACHMENT B

D 001 DEDA, DRITAN, # DOB: 08/22/78 SEX: M RACE: U
AKA-DARAJ, KOLE,
AKA-DEDA, TONY,
1281 BRIGHTON DRIVE CTN:470200100101 TCN:
HOLLISTER, CA 95023 SID:
DLN:XXXXXXXXXXXX ST:XX
ATY: NISKAR, JOSEPH A., PROSECUTOR: MORSE, DAVID L.,
P-55538 787-281-4922 RETAINED P-33093
LOWER DISTRICT: 0053 CTY# 47 CASE# 02-0782-FY PRELIM: WAIVE 04/10/02
INCARCERATION DATE: DISTRICT ARRAIGNMENT: 04/04/02

R 001	SHERWIN WILLIAMS, , 3750	OWE	\$850.00	REC	\$672.60	BAL	\$177.40
R 002	STATE ALARM, ,	OWE	\$129.31	REC	\$.00	BAL	\$129.31
R 003	ST TREASURY, UNCLAIMED REST,	OWE	\$29.90	REC	\$29.90	BAL	\$.00

Bond History

Num	Amount	Type	Posted Date	Status
1	\$1,000,000.00	Cash/Surety		Cancelled

Charges

Num	Type	Charge (Pacc)	Asc/Trf	Charge Description	Offense Dt	Dsp	Evt
01	ORG	750.110		BREAK & ENTER W/INTENT	04/02/02	NOC	MSH
02	ORG	750.116		BURGLAR'S TOOLS PSS	04/02/02	NOC	MSH
03	ORG	750.110	C	BREAK & ENTER W/INTENT	04/02/02	NOC	MSH

Assessments

Account	Ordered	Paid	Balance
FINES	\$50.00	\$.00	\$50.00
CRIME VICTIM RIGHTS	\$60.00	\$.00	\$60.00
RESTITUTION	\$979.31	\$702.50	\$276.81
DNA SPECIMEN FEE	\$60.00	\$.00	\$60.00
20% LATE PENALTY FEE	\$34.00	\$.00	\$34.00
TOTAL:	\$1,183.31	\$702.50	\$480.81
PAYMENT DUE:	LATE FEE DATE: 2/11/03		

Actions, Judgments, Case Notes

Num	Date	Judge	Chg/Pty	Event Description/Comments	
1	04/16/02	BURRESS		CASE REASSIGNMENT	CLK DRB
				FROM: LATREILLE, STANLEY J.,	CLK
				TO: BURRESS, DANIEL A.,	CLK
2				RETURN TO CIRCUIT COURT	CLK DRB
				SET NEXT DATE FOR: 04/19/02 8:30 AM	CLK
				ARRAIGNMENT	
				D.C. JUDGE-HEGARTY	CLK
3				INFORMATION	CLK DRB
4				CODEFENDANT/CONSOLIDATED	CLK DRB

		02-12866-FH	CLK
		PAULIN HARUSHA	CLK
5	04/19/02	MONEY ORDERED	CRT DRB
	\$50.00 FINES		
6		NOTICE SENT FOR: 05/24/02 8:30 AM	CLK CEB
		PRE-TRIAL HEARING	
7		NOTICE SENT FOR: 06/24/02 8:30 AM	CLK CEB
		JURY TRIAL	
8		NOTICE SENT FOR: 07/08/02 8:30 AM	CLK CEB
		JURY TRIAL	
		ALTERNATE TRIAL DATE	CLK
9		ARRAIGNMENT	CRT DRB
		WAIVED / CIRCUIT COURT WAIVER OF	CRT
		ARRAIGNMENT FILED	CRT
10		Remand to county jail	CLK DRB
12		ARRAIGNMENT	CRT SJB
		Attys: P- W. McCririe	CRT
		D- J. Thomas	CRT
		Defendant Arraigned On Record	CRT
		Court Enters A Not Guilty Plea	CRT
		Pre-Trial Set 05/24/02 @ 8:30a	CRT
		Jury Trial Set 06/24/02 @ 8:30	CRT
		Alt Jury Trial 07/08/02 @ 8:30	CRT
		Def Motion to Amend Bond	CRT
		Denied	CRT
11	04/22/02	PROOF OF SERVICE/NTC TO APPEAR	CLK DRB
13	05/24/02	SET NEXT DATE FOR: 05/31/02 8:30 AM	CLK WCC
		PRE-TRIAL HEARING	
		adj from 5/24/02	CLK
		Order for adj	CLK
14	06/14/02	REMOVE NEXT EVENT: 06/24/02 8:30 AM	CLK DRB
		JURY TRIAL	
		adj to 9/9/02	CLK
15		REMOVE NEXT EVENT: 07/08/02 8:30 AM	CLK DRB
		JURY TRIAL	
16		SET NEXT DATE FOR: 09/09/02 8:30 AM	CLK DRB
		JURY TRIAL	
		adj from 6/24/02	CLK
		Order for adj	CLK
17		Stip order to adj pth	CLK DRB
18	07/15/02	Demand for discovery	CLK DRB
19		D 001 APPEARANCE	CLK DRB
		ATTORNEY: P-55538 NISKAR	CLK
		Demand for trial by jury	CLK
20		D 001 FROM: THOMAS,JAMES C.,	CLK DRB
		TO: NISKAR,JOSEPH A.,	CLK
21		PROOF OF SERVICE FILED	CLK DRB
22		Substitution of atty	CLK DRB
		consent	CLK
		Order	CLK
24	07/16/02	Trial with list	CLK DRB
25		PROOF OF SERVICE FILED	CLK DRB
23	07/18/02	D 001 FROM: NISKAR,JOSEPH A.,	CLK DRB
		TO: THOMAS,JAMES C.,	CLK
26	08/02/02	D 001 APPEARANCE	CLK DRB
		ATTORNEY: P-55538 NISKAR	CLK
27		D 001 FROM: THOMAS,JAMES C.,	CLK DRB

28 TO: NISKAR, JOSEPH A., CLK
PROOF OF SERVICE FILED CLK DRB
29 08/15/02 REMOVE NEXT EVENT: 09/09/02 8:30 AM CLK DRB
JURY TRIAL
adj to 9/30/02 CLK
30 SET NEXT DATE FOR: 09/30/02 8:30 AM CLK DRB
JURY TRIAL
adj from 9/9/02 CLK
Order for adj CLK
31 08/19/02 PROOF OF SERVICE FILED CLK DRB
32 09/30/02 SET NEXT DATE FOR: 10/28/02 8:30 AM CLK DRB
JURY TRIAL
adj from 9/30/02 CLK
Order for adj CLK
33 10/10/02 Amended trial with list CLK DRB
34 10/15/02 Writ of habeas corpus CLK DRB
35 10/28/02 MISCELLANEOUS HEARING HELD CRT MJP
Attys: P- W. McCririe CRT
D- Joseph Niskar CRT
Date scheduled for JYT CRT
Def Sworn & Testifies CRT
Plt & Def Waive Trial by Jury CRT
Def Pl N/C to Cnt 1:B & E w/i CRT
nt; Cnt 2: PSS Burg. CRT
Tools; Cnt 3: Consp B & E w/I CRT
Pros recommend 13 month cap on CRT
min. CRT
Ct accepts plea CRT
SEN Set For: 12/11/02 @ 1:30pm CRT
DNA testing & \$60 fee ordered CRT
File 02-13203 Pretrial Conduct CRT
& Closed CRT
Bond Cancelled CRT
38 00001 MISCELLANEOUS HEARING HELD CRT DRB
NOLO CONTENDRE CRT
39 00002 MISCELLANEOUS HEARING HELD CRT DRB
NOLO CONTENDRE CRT
40 00003 MISCELLANEOUS HEARING HELD CRT DRB
NOLO CONTENDRE CRT
51 SET NEXT DATE FOR: 12/11/02 1:30 PM CLK MJP
SENTENCING
36 10/29/02 REFERRAL FOR PRE-SENTENCE REPORT CLK DRB
37 PLEA AGREEMENT CLK DRB
41 WAIVER OF TRIAL BY JURY CLK DRB
42 Remand to county jail CLK DRB
43 ORDER FOR DNA SAMPLE CLK DRB
44 11/13/02 CERTIFICATION & RETURN OF DNA CLK DRB
SAMPLE CLK
45 12/11/02 NOTICE OF APPEAL OF RIGHTS CLK WCC
46 Remand to county jail CLK WCC
47 00001 SENTENCING CRT DRB
Attys;P-Mccririe/P-Niskar; CRT
Mdoc-min 13 mos, max 10 yrs w/ CRT
252 days credit; CRT
drb CRT

SENTENCE PRISON:

MINIMUM
YYY- 13-DDD

MAXIMUM
10-MMM-DDD

CREDIT
YYY-MMM-252

BEGIN 12/11/02
\$60.00 CRIME VICTIM RIGHTS 979.31 RESTITUTION
\$60.00 DNA SPECIMEN FEE

48 00002 SENTENCING CRT DRB
Mdoc-min 13 mos, max 10 yrs w/
252 days credit; CRT
SENTENCE PRISON: MINIMUM MAXIMUM CREDIT
YYY- 13-DDD 10-MMM-DDD YYY-MMM-252

BEGIN 12/11/02
49 00003 SENTENCING CRT DRB
Mdoc-min 13 mos, max 10 yrs w/
252 days credit; CRT
SENTENCE PRISON: MINIMUM MAXIMUM CREDIT
YYY- 13-DDD 10-MMM-DDD YYY-MMM-252

BEGIN 12/11/02

50 12/16/02 FINAL ORDER OR JUDGMENT FILED CLK DRB
/COMMIT TO MDOC CLK

65 BOND CANCELED (01) CLK DRB

52 04/04/03 COURT ORDERED PAID CLK DRB
RECEIPT# 00191849 AMT \$.00
co-deft pymt 02-12866-fh
110.20 CLK
CLK

53 04/24/03 R 001 RESTITUTION DISBURSEMENT CLK DRB
RECEIPT# 00179275 AMT \$110.20
co-deft pymt 02-12866-fh CLK
CLK

54 10/08/03 COURT ORDERED PAID CLK DRB
RECEIPT# 00197187 AMT \$104.80

55 10/30/03 R 001 RESTITUTION DISBURSEMENT CLK DRB
RECEIPT# 00188162 AMT \$104.80

56 01/29/04 COURT ORDERED PAID CLK DRB
RECEIPT# 00200223 AMT \$.00
co-deft pymt 02-12866-fh
88.83 CLK
CLK

57 02/12/04 R 001 RESTITUTION DISBURSEMENT CLK DRB
RECEIPT# 00192897 AMT \$88.83
co-deft pymt CLK

58 03/16/04 COURT ORDERED PAID CLK MCB
RECEIPT# 00201726 AMT \$115.62

59 03/25/04 R 001 RESTITUTION DISBURSEMENT CLK DRB
RECEIPT# 00194803 AMT \$115.62

60 07/19/04 COURT ORDERED PAID CLK DRB
RECEIPT# 00205407 AMT \$125.50

61 08/05/04 R 001 RESTITUTION DISBURSEMENT CLK DRB
RECEIPT# 00200815 AMT \$125.50

62 11/18/04 COURT ORDERED PAID CLK DRB
RECEIPT# 00209184 AMT \$127.65

63 12/09/04 R 001 RESTITUTION DISBURSEMENT CLK DRB
RECEIPT# 00207200 AMT \$127.65

64 03/08/05 COURT ORDERED PAID CLK DRB
RECEIPT# 00212027 AMT \$29.90
/state of mi check CLK

68 09/28/12 FILE SENT TO MICROFILM CLK KO
66 11/07/12 COLLECT Status - PRISON CLK RR
67 Removed COLLECT status - PRIS CLK RR
69 11/21/12 FILE RETURNED FROM MICROFILM CLK KO
70 11/13/13 Letter Sent-1-101-\$446.81 CLK LLP
71 11/21/13 PREV. 879 CENTURY DR. CLK RR

		ADDR. TROY MI 48083	CLK
		SOURCE: ACCURINT	CLK
72		Letter Sent - 101 - \$446.81	CLK RR
73	01/15/14	Letter Sent-2-102-\$446.81	CLK RR
74	01/28/14	Stop Send Overdue Pymt Notice	CLK RR
75	07/15/14	Start Send Overdue Pymt Notice	CLK RR
76		PREV. 31626 SCHOENHERR ROAD, A	CLK RR
		ADDR. WARREN MI 48088	CLK
		SOURCE: ACCURINT	CLK
77		Letter Sent - 103 - \$446.81	CLK RR
78	10/24/17	R 003 RESTITUTION DISBURSEMENT	CLK KLC
		RECEIPT# 02191966 AMT \$29.90	
		**Updated records	CLK
79	04/13/18	MONEY ORDERED	CRT ***
		AUTOMATIC LATE FEE ASSESSMENT	CRT
	\$34.00	20% LATE PENALTY FEE	
80	06/01/18	Extracted to a Collect Agency	CLK KLC
81	02/13/20	COLLECT stmt level RESET 900-0	CLK RR
82	02/20/20	Letter Sent-1-101-\$480.81	CLK RR
.....		END OF SUMMARY

Approved, SCAO

Original-Court

1st copy-Corrections

2nd copy-Corrections (for return)

DEC 1 2002

3rd copy-State Police

4th copy-Defendant

5th copy-Prosecutor

STATE OF MICHIGAN
44TH JUDICIAL CIRCUIT COURTJUDGMENT OF SENTENCE
COMMITMENT TO
DEPARTMENT OF CORRECTIONSCASE NO.
02-012867-FH-BORI 470015J
COURT ADDRESS
JUDICIAL CENTER

Police Report No.

HOWELL

MI 48843

PAGE 1
COURT TELEPHONE NO.
(517) 546-9816

THE PEOPLE OF STATE OF MICHIGAN

V

Defendant
DEDA, DRITAN,
AKA-DARAJ, KOLE,
879 CENTURY DR.
TROY MI 48083
CTN/TCN: 470200100101
SID: DOB: 8/22/78Prosecuting attorney name
MORSE, DAVID L.,Bar no.
33093Defendant attorney name
NISKAR, JOSEPH A.,Bar no.
55538

THE COURT FINDS:

1. The defendant was found guilty on 10/28/02 of the crime(s) stated below:

*Plea: use (G) for guilty plea; (NC) for nolo contendere; (MI) for guilty but mentally ill.

*Use (X) if sentence is to be enhanced because of Habitual Offender Act.

CT	PLEA	COURT	JURY	CRIME	CHARGE CODE(S)	MCL CITATION/PAGE	CODE
1	NC	-	-	BREAK & ENTER W/INTENT	750.110		
2	NC	-	-	BURGLAR'S TOOLS PSS	750.116		
3	NC	-	-	BREAK & ENTER W/INTENT	750.110 CONSPIRE		

2. The conviction is reportable to the Secretary of State under MCL 257.625(20) (b). The defendant's driver license number is:

3. HIV testing and sex offender registration is completed.

4. The defendant has been fingerprint ed according to MCL 28.243.

IT IS ORDERED:

5. Defendant is sentenced to custody of Michigan Department of Corrections. This sentence shall be executed immediately.

CT	SENTENCE DATE	MINIMUM YR-MO-DY	MAXIMUM YR-MO	DATE SENTENCE BEGINS	JAIL CREDIT MO-DY	OTHER INFORMATION
1	12/11/02	000-013-000	010-000	12/11/02	000-252	
2	12/11/02	000-013-000	010-000	12/11/02	000-252	
3	12/11/02	000-013-000	010-000	12/11/02	000-252	

6. Sentence(s) to be served consecutively to: (if this item is not checked, the sentence is concurrent)
each other. case numbers

7. Defendant shall pay: ☒ \$979.31 for restitution.
☒ \$60.00 for DNA sample.
☒ \$60.00 for Crime Victim Rights Fund.

Original-Court
 1st copy-Corrections
 2nd copy-Corrections (for return)
 3rd copy-State Police
 4th copy-Defendant
 5th copy-Prosecutor

STATE OF MICHIGAN
 44TH JUDICIAL CIRCUIT COURT

JUDGMENT OF SENTENCE
 COMMITMENT TO
 DEPARTMENT OF CORRECTIONS

CASE NO.
 02-012867-FH-B

ORI 470015J
 COURT ADDRESS
 JUDICIAL CENTER

Police Report No.

HOWELL

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PAGE 2
 COURT TELEPHONE NO.
 (517) 546-9816

THE PEOPLE OF STATE OF MICHIGAN

V

Defendant
 DEDA, DRITAN,
 AKA-DARAJ, KOLE,
 879 CENTURY DR.
 TROY MI 48083
 CTN/TCN: 470200100101
 SID: DOB: 8/22/78

Prosecuting attorney name
 MORSE, DAVID L.,

Bar no.
 33093

Defendant attorney name
 NISKAR, JOSEPH A.,

Bar no.
 55538

_____ \$.00 for forensic lab test.

8. The concealed weapon board shall _____ suspend for _____ days
 _____ permanently revoke
 the concealed weapon license, permit number _____, issued by
 _____ County.

9. Court recommendation:

Date: Dec 16, 2002 Judge: Daniel A. Burress Bar No: 11445
 DANIEL A. BURRESS

I certify that this is a correct and complete abstract from the original court records. The sheriff shall, without needless delay, deliver defendant to the Michigan Department of Corrections at a place designated by the department.

(SEAL)

Doreen Boardman
 Deputy court clerk

MCL 765.15(2), MCL 769.16a, MCL 775.22, MCL 780.766, MCR 6.427(A)

CC 219b (3/02) JUDGMENT OF SENTENCE, COMMITMENT TO DEPARTMENT OF CORRECTIONS

ATTACHMENT C

CME

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF LIVINGSTON

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff,

v

Case No(s). 02-12867-FH

DRITAN DEDA,
Defendant.

GUILTY PLEA FORM
NO CONTEST

1. Dritan Deda
Name _____ Age _____ Date of Birth _____
2. Formal schooling consists of _____
3. Do you read, write and understand the English language? Yes
4. Are you presently under the influence of alcohol or any controlled substance? No
5. You are presently offering a plea of no contest guilty to:

Count I. Name: Breaking + Entering
Statute: MCL: 750.110 MSA: _____

Please check applicable line:

- (X) Guilty as charged
() Lesser Included Offense
() Dismissed as part of this plea

Maximum Penalty of Count I:

10 years

Count II. Name: Possession of Burglar Tools
Statute: MCL: 750.116 MSA: _____

Please check applicable line:

- (X) Guilty as charged
() Lesser Included Offense
() Dismissed as part of this plea

Maximum Penalty of Count II:

10 years

FILED
CLERK OF THE CIRCUIT COURT
02 OCT 29 AM 8:31

Count III. Name: Conspiracy to Commit B+E

Statute: MCL: 750.157a(a) MSA: _____

Please check applicable line:

- ☒ N.C. Guilty as charged
☐ Lesser Included Offense
☐ Dismissed as part of this plea

Maximum Penalty of Count III:

10 years

Count IV. Name: _____

Statute: MCL: _____ MSA: _____

Please check applicable line:

- ☐ Guilty as charged
☐ Lesser Included Offense
☐ Dismissed as part of this plea

Maximum Penalty of Count IV:

6. Do you understand that the plea of N.C. guilty that you are now offering to this charge has the same legal effect as a conviction at a trial? Yes

Do you understand that if you are presently on probation or parole for any other conviction that the plea of N.C. guilty that you are now offering could result in a revocation of that status and might subject you to the full penalties of the prior conviction? Yes

Are you presently on probation or parole for any other conviction? No

If yes, explain.

7. Has your lawyer explained to you the nature of the charge against you to your complete satisfaction? Yes

Are you satisfied with the services of your attorney? Yes

8. What is the maximum sentence on this charge? 10 years
What is the minimum sentence, if any? 0 (Probation)
9. Do you understand that you are entitled to a trial? Yes
(A) that trial could be by a jury? Yes
OR
(B) if you choose, and prosecutor and the Court consent, your trial could be in front of the judge sitting without a jury? Yes
10. Do you understand that if the Court accepts your plea that you will not have a trial of any kind? Yes
11. Do you understand that you have the following rights at a trial?
- (A) to be presumed innocent until proven guilty Yes
 - (B) to have the prosecutor prove, beyond a reasonable doubt, that you are guilty Yes
 - (C) to have the witnesses against you appear at the trial Yes
 - (D) to question the witnesses against you Yes
 - (E) to have the Court order your witnesses to appear at the trial Yes
 - (F) to remain silent during the trial Yes
 - (G) to not have that silence used against you Yes
 - (H) to testify at the trial if you want to Yes

Do you further know and understand that if the judge accepts the plea that you are now offering, you are giving up all the rights you would have at a trial, including the above enumerated rights? Yes

12. Is the plea that you are now offering the result of a plea agreement between the parties? Yes

13. The plea agreement is as follows:

Sentencing Agreement to no more than 13
(thirteen months) to run concurrently with
each other on each count

- (A) Has anyone promised anything beyond what is in the plea agreement? _____

(NOTE: Court must confirm with both attorneys and the defendant the accuracy of the plea bargaining agreement and ask each side to confirm the same on the record. If the Court is in any way a party to the plea agreement the Court shall state its knowledge and agreement to the plea arrangement.)

- (B) If the plea agreement and its terms provide for your plea to be made in exchange for a specific sentence disposition or a prosecutorial sentence recommendation the Court may:

- (1) Reject the agreement _____
- (2) **Accept the agreement after considering the presentence report, in which event this Court must sentence you to the sentence agreed to or recommended by the prosecutor** X
- (3) Accept the agreement without having considered the presentence report _____
- (4) Take the plea agreement under advisement _____

- (C) If the Court accepts the plea agreement without considering the presentence report or takes the plea under advisement, then the Court is not bound to follow the sentence disposition or recommendation agreed to by the prosecutor. _____

- (D) If the Court chooses not to follow the plea agreement you will be allowed to withdraw from the plea agreement. _____

14. Have you been promised by the Court, the prosecutor or by your attorney that you would be put on probation or that you would receive any other specific type of sentence in return for the plea that you are now offering? No

15. Have you ever been promised that if you plead ^{N.C.}guilty to this charge, you would be treated more leniently than if you exercised your right to have a trial? No

16. Has anyone threatened you or attempted in any manner to force you to enter this plea? No

(NOTE: Court must confirm with prosecutor and defense counsel whether either is aware of any promises, threats, or inducements other than those already disclosed on the record)

17. (A) Are you offering this plea of ^{N.C.}guilty because you really are guilty? Yes

- (B) Have you reviewed your Constitutional rights with your attorney and do you feel that it is in your best interest to plead ^{N.C.}guilty at this time? Yes

- (C) Is it your own choice to plead ^{N.C.}guilty? Yes

18. (Defendant must now write out what he/she actually did in the commission of this offense. When - Where - What?)
-
-

19. This is your last chance. Are you telling the Court that you understand what you are doing in offering a plea of ~~guilty~~ not and that you are voluntarily pleading ~~guilty~~ not because you are guilty? Yes

20. Do you understand that if the Court accepts this plea that an appeal from the conviction and sentence pursuant to the plea will be by application for leave to appeal and not by right? You are not entitled to have counsel appointed at public expense to assist you in filing an application for leave to appeal or to assist with other postconviction remedies unless you are financially unable to retain counsel and, your sentence exceeds the guidelines, the plea is conditional, the prosecuting attorney seeks leave to appeal, or the Court of Appeals or the Supreme Court grants leave to appeal. Yes

21. Do you understand that if the Court accepts this plea, that you are giving up any claim that the plea was the result of promises or threats that were not disclosed to the Court during this plea proceeding, or that it was not your own choice to enter the plea? Yes

(NOTE: The Court must confirm with the prosecutor and defense counsel if they believe that the Court has complied with Michigan Court Rules pertaining to the taking of a plea.)

I represent to the Court that all of the foregoing questions have been read and explained to me by my lawyer and that my answers are true and correct. I hereby waive my right to a trial by jury and freely and voluntarily plead ^{NC}guilty to the charge(s) of:

Breaking & Entering, Possession of Burglary Tools, Conspiracy
to Commit Breaking & Entering

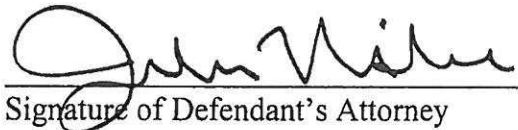


Signature of Defendant

10-28-2002

Date of Signature

I, Joseph A. Nishar, attorney for Deitan Deda, hereby certify that I have explained to him/her the legal significance of his/her answers to those questions and that the defendant signed this document in my presence and, I believe he/she understands what he/she is doing.



Signature of Defendant's Attorney

Rev. 7/02